

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 31219 of 2006(N)

PETITIONER:

MOHANAN,
ARAKKAL, THAMPAN KADAVU,
THALIKULAM VILLAGE, THRISSUR.

BY ADV. SRI.K.I.SAGEER
SMT.V.P.SEEMANTHINI(SR.)

RESPONDENTS:

1. REVENUE DIVISIONAL OFFICER, THRISSUR.
2. ASOKAN,
RETIRED REVENUE DIVISIONAL OFFICER, THRISSUR,
RESIDING AT WADAKKANCHERRY (P.O), THRISSUR.
3. GEOLOGIST,
MINING & GEOLOGY DEPARTMENT, THRISSUR.
4. TAHSILDAR, CHAVAKKAD.
5. AJITH PRASAD, S/O. BALAN,
ARAKKAL, THALIKULAM VILLAGE, THRISSUR.
6. RAVEENDRAN, S/O.KUNJAKKAN,
PULLIANICKAL HOUSE, THALIKULAM P.O., CHAVAKKAD.

R1,3&4 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF PHOTOGRAPHS SHOWING LIE OF THE PROPERTY.

P2: TRUE COPY OF THE REPORT OF R3 DT.30.6.2006.

P3: TRUE COPY OF THE ORDER DT.14.6.2006 IN I.A. NO.1896/06 IN O.S. NO.474/06 ON THE FILE OF THE MUNSIFF COURT, CHAVAKKAD.

P4: TRUE COPY OF THE SAID ORDER DT.28.10.2006 PASSED BY R2.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.31219 of 2006
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Dated this the 19th day of January, 2007.

JUDGMENT

Prayer in the W.P. is for direction to respondents 1 and 3 to permit the petitioner to remove the heap of sand over his property to level the land and to construct a house. Some private property owners have objected against the same. The petitioner has produced photographs and if the same represents the true state of affairs, then petitioner's claim is quite justified. The petitioner also undertakes in court that he does not want to mine sand beyond the level of the road. In the circumstances, W.P. is disposed of directing the first respondent to approve mining only for levelling the land upto the level of the road going nearby and on such condition, third respondent will give mining licence to the petitioner to mine so much quantity of the sand on payment of eligible rate of royalty. The petitioner will produce copy of this judgment before respondents 1 and 3 for compliance.

C.N.RAMACHANDRAN NAIR
Judge

pms